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SCOTTISH STATUTORY INSTRUMENTS

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**2024 No. 87**

**ANIMALS**

**The Avian Influenza (Preventive Measures)  
(Scotland) Amendment Order 2024**

*Made* - - - - *19th March 2024*  
*Laid before the Scottish*  
*Parliament* - - - - *21st March 2024*  
*Coming into force* - - *1st September 2024*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 1 of the Animal Health Act 1981(1) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Avian Influenza (Preventive Measures) (Scotland) Amendment Order 2024 and comes into force on 1 September 2024.

**Amendment of the Avian Influenza (Preventive Measures) (Scotland) Order 2007**

2.—(1) The Avian Influenza (Preventive Measures) (Scotland) Order 2007(2) is amended as follows.

(2) In article 2 (interpretation), before the definition of “avian influenza”, insert—

““access to the open air” includes birds housed outdoors in a fully or partially caged, meshed or netted structure, and birds temporarily removed from their housing in order to be flown freely;”.

(3) For article 5 (identification of certain poultry premises), substitute—

**“Identification of premises where birds are kept**

5.—(1) A person who, at 1 September 2024, is the keeper of any birds at any premises, must notify the Scottish Ministers in writing of the following, in relation to each such premises—

(a) the address and holding number (if it has one) of the premises;

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(1) 1981 c. 22. Powers to make Orders were originally conferred on “the Ministers”, as defined in section 86(1) of the Animal Health Act 1981. The functions of the Ministers were, in so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).  
(2) S.S.I. 2007/69.

- (b) that person's name and address and, if different, those of—
    - (i) the owner of the birds; and
    - (ii) the occupier of the premises;
  - (c) the species of bird kept at the premises;
  - (d) the number of each species of bird kept at the premises;
  - (e) the purpose for which the birds are kept.
- (2) A person who, at 1 September 2024, is the keeper of 50 or more birds at any premises, must notify the Scottish Ministers in writing of the following additional information, in relation to each such premises—
- (a) the husbandry system in use at the premises, including whether any poultry are kept and if so whether for the production of—
    - (i) meat;
    - (ii) hatching eggs;
    - (iii) eggs for consumption;
  - (b) the incubator capacity of any hatchery;
  - (c) details of any seasonal stocking variations which might result in significant differences in the number or species of bird on the premises;
  - (d) the number of each species of bird with access to the open air.
- (3) A person must make a notification under paragraphs (1) and (2) within three months of 1 September 2024.
- (4) A person who becomes the keeper of—
- (a) any birds at any premises after 1 September 2024 must notify the information referred to in paragraph (1);
  - (b) 50 or more birds must notify the information referred to in paragraph (2);
- to the Scottish Ministers in writing within three months.
- (5) A person keeping any birds at any premises must make a notification under paragraphs (1), (2) or (4) annually, within one month of the end of each period of one year subsequent to the initial notification.
- (6) A person who has made a notification under paragraphs (1), (2), (4) or (5) of this article must notify the Scottish Ministers in writing within one month of the following—
- (a) where the person is the keeper of any birds at any premises—
    - (i) a change to the information referred to in paragraph (1)(b) or (c);
    - (ii) the person is no longer a keeper of any birds at any premises or has become a keeper to which article 5A (requirement to notify premises where birds are kept: exceptions) applies;
  - (b) where the person is the keeper of 50 or more birds at any premises, an increase or decrease of 20% or more in a number referred to in paragraph (1)(d) or (2)(d), unless this is due to usual management fluctuations.
- (7) The Scottish Ministers may, by notice, require any person who has notified them under this article to notify them, in addition, of any changes to the information so notified.
- (8) A person required to notify under paragraph (7) must do so within one month of receiving a notice from the Scottish Ministers.
- (9) In this article, “usual management fluctuations” means—

- (a) the emptying of poultry houses or hatcheries for immediate restocking;
  - (b) seasonal stocking.”.
- (4) After article 5, insert—

**“Requirement to notify premises where birds are kept: exceptions**

**5A.** The requirement to notify the Scottish Ministers under article 5 (identification of premises where birds are kept) does not apply to keepers of birds where the only birds kept at any premises—

- (a) belong to the order *Psittaciformes* or *Passeriformes*; and
  - (b) are housed fully within a dwelling or within a structure on the premises with no access to the open air.”.
- (5) In article 6, omit paragraph (2).

St Andrew’s House,  
Edinburgh  
19th March 2024

*JIM FAIRLIE*  
Authorised to sign by the Scottish Ministers

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Avian Influenza (Preventive Measures) (Scotland) Order 2007 (“the 2007 Order”), which makes provision to reduce the risk of transmission of highly pathogenic avian influenza from birds living in the wild to poultry and other captive birds.

Article 2(2) inserts a definition of “access to the open air”.

Article 2(3) replaces article 5 of the 2007 Order, to reduce the threshold for the requirement to notify the Scottish Ministers of premises where birds are kept, from 50 birds to one and extends the notification requirement to include premises where birds other than poultry are kept. Article 2(3) also inserts the requirement for bird keepers to provide an annual update of the information relevant to their premises.

Article 2(4) inserts article 5A into the 2007 Order, which provides for exceptions to the notification requirement for keepers of parrots or passerine birds which are housed within a dwelling or a bird house with no access to the open air.

A Business and Regulatory Impact Assessment of the effect that this instrument will have on the costs of business has been placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government, Agriculture and Rural Economy Directorate, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD, and online at [legislation.gov.uk](https://legislation.gov.uk).